

YEAS—25.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Frank,	Pope,
Glasscock,	Stephens,
Harrison,	Sims.
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

NAYS—5.

Finch,	Searcy,
Garwood,	Simkins.
Seale,	

Senator Sims moved that the Senate adjourn to tomorrow morning at 10 o'clock.

Lost.

Senator Lubbock offered the following:

Amend by inserting "Houston, in the county of Harris," section 2.

Senator Garwood offered the following:

"Resolved, That the provisions of the Australian ballot bill, known as the Pope bill, shall apply to the selection of the places for the several courts provided for in this bill."

Ruled out of order by the chair.

Senator Clemens stated that he desired to offer a resolution, referring this matter to the committee on Rules

Pending the writing of the resolution the Chair had the following communication read:

INSTITUTE FOR THE BLIND, }
Austin, Tex., March 25, 1892. }
Hon. Geo. C. Pendleton, President of the Senate:

Sir—Please invite the members of the Senate and the officers to attend a free concert at the Institution on Tuesday night, the 29th. It is given by the pupils for the benefit of the Legislature.

FRANK RAINEY, Supt.

Senator Pope called up the resolution offered by him yesterday appointing a committee of three to act upon the memorial of A. R. Roberts, praying an investigation of Insurance In-

spector Hollingsworth. When it appeared that Senator Crane, in whose district Mr. Hollingsworth resides, would be unavoidably absent for several days, action was deferred until his return.

Senator Clemens offered the following: Resolved that the committee on rules shall be requested to report a rule under which the vote locating the civil courts of appeal shall be taken.

Pending action on this resolution, on motion of Senator Carter, the Senate adjourned to tomorrow morning at 9:30 o'clock.

FIFTEENTH DAY.

SENATE CHAMBER,

TWENTY-SECOND LEGISLATURE, •
Austin, Wednesday, March 30, 1892.

Senate met pursuant to adjournment.

Lieutenant Pendleton in the chair:

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—30.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Simkins,
Harrison,	Stephens,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.

Prayer by Chaplain of the House Dr. Dodge.

Pending reading of the Journal, on motion of Senator Townsend further reading was dispensed with.

The following message was received from the House of Representatives:

House of Representatives, }
Twenty-Second Legislature, }
Austin, March 30, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House

to inform you of the passage of the following bill:

House bill No. 21, "An act to amend title 54, articles 2976, 2977, 2978, 2979, 2980 and 2981 of the revised civil statutes of the State of Texas, regulating the rate of interest and defining usury, and to add thereto article 2981a, to regulate the rates of interest and prevent usury, and to repeal an act to be entitled an act to define and punish usury, passed at the regular session of the Twenty-second Legislature, and all laws and parts of laws in conflict with the provisions of this act."

Respectfully, Geo. W. Finger,
Chief Clerk House of Representatives.

The following report was received from special committee:

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee appointed to draft resolutions in respect to the memory of the late Senators E. G. Maetze and L. A. Abercrombie beg leave to present the following:

Resolved, first, That in the deaths of the Honorables E. G. Maetze and L. A. Abercrombie, formerly members of the Texas Senate, the State has lost two of its most estimable and useful citizens, who, both in private and public life, performed the full measure of every duty and by their conduct firmly established themselves in the confidence of their people.

Resolved, second, That we tender to the respective families of the deceased our sympathy in their bereavement, and the secretary of the senate is hereby instructed to furnish them each with an engrossed copy of these resolutions.

Resolved, third, That these resolutions be spread upon the Journal of the Senate.

Respectfully,

Clemens,
Searcy,
Pope,
Committee.

On motion of Senator Pope, the hour of 11:30 this morning was named at which time the Senate will consider the report.

Senator Sims moved to take up and dispose of Senator Ingram's motion to reconsider the vote adopting the resolution discharging five committee clerks, which was spread upon the Journals of the 28th.

Adopted.

After debate the Senate refused to consider by the following vote:

NAYS—22.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Finch,	Page,
Frank,	Pope,
Harrison,	Seale,
Ingram,	Simkins,
Kearby,	Stephens,
Kimbrough,	Sims.

YEAS—7.

Cranford,	Johnson,
Glasscock,	Searcy,
Garwood,	Tyler.
Weisiger.	

The Senate then took up the unfinished business, it being

Senate bill No. 22, entitled "An act in reference to holding elections and repeal sections 1673, 1674, 1675, 1681, 1682, 1683, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, and 1702; of the revised civil statutes of the State of Texas, and chapter 112, of the acts of the Legislature, approved April 19, 1879, also chapter 51, acts of the Eighteenth Legislature; also chapter 31 of the laws of 1887,"

Approved March 14, 1887.

(On second reading.)

Section 65 being under consideration, Senator Stephens amended to-wit:

Amend by adding to section 65 the following: The provisions of this bill shall have no force or effect in any county in this State until the county commissioner's court of such county shall at a regular term of such court pass an order, which shall be duly recorded in the minutes of such court, declaring that all elections thereafter held in such county shall be held under the provisions of this act.

Pending on yesterday was considered.

The amendment was lost.

Senator Stephens offered the following—amend by adding to the end of section No. 65 the following:

The provisions of this act shall not apply to counties of less than 10,000 inhabitants.

Lost.

Section 66 read.

Senator Glasscock offered the following:

Amend section 66 by inserting after the word shall in line 1 the following words, "willfully deface or destroy."

Adopted.

Section 55 having been left open for amendment, the following was offered by Senator Stephens:

Amend section 55 as to the form of the official ballot as follows:

Strike out the words "to vote for a person mark or stamp A. X. on the space at right of name," and insert in lieu thereof the following, viz: To vote for a person cross or mark out the names of candidates not voted for.

Adopted.

Section 67 read and passed.

Section 68 read.

Senator Searcy offered the following:

Substitute section 68 as follows: Not more than one person at a time shall be permitted to occupy any one compartment, or place for electors, to prepare their ballots, except when an elector is unable to read or write, or unable to read the English language, or unable to prepare his ballot, and shall so inform the officers holding said election; he may choose one qualified elector to assist him in making out his ballot, and for that purpose such person may accompany the voter to such voting booth. Provided, that no person shall be allowed to assist in preparing more than one ballot, and that the person so chosen shall not be a candidate for any office at said election.

Adopted.

Section 69 read.

Senator Pope offered the following:

Amend section 69 by striking out all of same from the word "oath" in line 10.

Adopted.

(Senator Townsend in the chair.)

Senator Pope offered the following:

Amend section 69 by adding no person in assisting a voter in preparing his ballot shall inform him of the names of the political party of any candidate upon the ballot.

Withdrawn.

Senator Glasscock offered the following:

Amend by inserting after the word "write" in line 2 the words "the English language."

Adopted.

Section 70 read.

Senator Potter offered the following:

Amend section 70 by adding thereto

the following, as section 70a: "It shall be unlawful for any person or persons to bring, keep, or have for sale, gift or exchange, any intoxicating liquors of any name or kind whatever, within two miles of any voting place during the time such polls are required to be open under the provisions of this act, and it shall also be unlawful for any person to obtain or permit any other person or persons to obtain any such liquors, and any person so offending shall be deemed guilty of a misdemeanor and be fined in any sum not less than \$100 and not more than \$1000, and if any person shall be found in or near such voting place under the influence of any intoxicating liquor, if any such liquors be found within the distance of two miles of such voting place in any quantity whatever, it shall be the duty of the sheriff of the county, the city marshals and all other peace officers of the county to make thorough and diligent investigation of such fact and ascertain, if possible, who the parties are that are guilty of bringing, having, keeping or permitting said liquor within the distance aforesaid of said polls and to arrest and procure the conviction of any such guilty parties.

Lost.

Section 71 read.

Senator Pope offered the following:

Amend section 71, line 2, by striking out the word four and inserting three.

Adopted.

Section 72 read.

Senator Pope offered the following:

Amend section 72 by striking out all of said section from the word or in line 9 down to and including the word elector in line 20 of said section.

Adopted.

Senator Searcy offered the following:

Amend section 72 by striking out word fifty in line 8 and add thirty.

Adopted.

Senator Tyler offered the following:

Amend section 72 by striking out all after the word dollars in line 28.

Lost.

Section 73 read.

Senator Glasscock offered the following:

Amend section 73 by inserting after the word act, in line 6 of printed bill, the following words: "Or who shall call in counting a vote or ballot the name of any person for any office as being voted for other than the person or candidate whose name appears on the ballot being counted."

Adopted.

Senator Frank offered the following: Amend line 3, section 73, by adding the word "or" at end of line 3. Adopted.

Section 74 read,

Senator Pope offered the following: Amend Section 74 as follows: Strike out the words "list of candidates" in line 3; also strike out the words "break the seals" and the word "sealed" line 13. Adopted.

Section 75 read and passed.

Senator Garwood offered the following:

Amend by adding: Section 76. All elections held under this act shall be held valid, provided a substantial compliance with the provisions hereof shall be shown.

Adopted.

Section 76, printed bill, having been changed by Garwood's amendment to section 77, being the emergency clause, was read and passed.

Senator Clemens offered the following as an amendment to the bill:

Amend caption by adding thereto "and to provide for the registration of all voters in all cities containing a population of 10,000 inhabitants or more, and to provide penalties for the violation of the same."

Amend section 16 by adding thereto "5" all persons not duly registered as hereinafter provided.

After section 76 add:

Section 77. That in all cities in this state having a population of ten thousand and inhabitants or more there shall be prior to each general election, either state, county or municipal, had a registration of all the voters in such city in the manner hereinafter provided.

Section 78. Each qualified voter of such city, under the constitution and laws of this state shall be entitled to register, but no elector of such city who fails to register under the provisions of this act shall vote at any State, county or city election for which registration is had under the provisions of this act.

Section 79. Each person offering to register under the provisions of this act shall give to the registrar, hereinafter provided for, under oath, if demanded, the following information, to-wit: His name, the street and number of his place of residence, the number of the ward in which he resides, and such other information touching his qualifications as a voter in the city as may be necessary to es-

tablish his right to registration. Should the place of his residence not be numbered, then he shall give such description of his place of residence as will enable the same to be correctly located.

Section 80. There shall be appointed by the commissioners court of each county in which there is located a city having a population of ten thousand inhabitants or more, one registrar of all the voters of each such city in said county, who shall be a qualified elector of the city and shall hold his office two years and until his successor or shall have been appointed and qualified.

Sec. 81. It shall be the duty of the registrar provided for in the preceding section to register all the qualified electors of such city as is hereinafter provided, and to do and perform all other duties required of him by the provisions of this act.

Sec. 82. Said registrar, shall, when appointed, and before entering upon his duties as such, take and subscribe before some officer authorized by law to administer oaths, the oath of office prescribed by the state constitution for all state and county officers, which said oath of office shall be filed with the county clerk of the county in which such registrar is appointed. Upon filing the said oath of office with the county clerk, as herein provided, the county clerk shall issue to said registrar a certificate of his appointment and qualification, which said certificate shall be sufficient authority for the said registrar to do and perform all the official duties herein prescribed and required.

Section 83. Said registrar shall have authority to appoint and employ as many deputies, or assistants, as may be necessary to the prompt and efficient discharge of his official duties; provided there shall be appointed one deputy from each political party, if demanded by the chairman of the county executive committee of the party in said county two days prior to the opening of the registration books, as is hereinafter provided.

Section 84. Said registrar shall open the books of his office for the registration of all the voters in the city on the first Tuesday in the month preceding and prior to the month in which the election is held for which registration is required under the provisions of this act, and said registrar shall keep the same open for the registration of voters for eleven consecutive days,

Sunday excluded; from 8 a. m. till 8 p. m. of each day, and no longer.

Section 85. Said registrar shall keep his office during the registration of the voters in some convenient room or place, notice of the time and place of each registration of voters shall be given in some daily newspaper published in said city for at least five consecutive days prior to the day of beginning such registration. But should there be no daily newspaper published in said city, then notice may be given by printed hand bills posted throughout the city for five consecutive days prior to the beginning of the registration. The publication of which notice shall be paid for in all state and county elections by the commissioners' court of the county out of the general revenue fund of said county; and for all city elections, by the city council out of the general revenue funds of the city.

Section 86. The registrar shall receive as compensation in full, for all services herein required, ten (10) cents for each certificate of registration issued, to be paid in all State and county elections by the commissioners' court of the county out of the general revenue funds of the county; and in all city elections, by the city council of the city out of the general revenue funds of the city. Upon the completion and delivery of the work, as hereinafter provided to the county clerk in all State and county elections, and to the city secretary in all city elections, the commissioners' court, or the city council, as the case may be, shall cause to be issued to the registrar a warrant on the treasurer for the full amount due on said work as herein provided, which shall be full compensation for for all services performed.

Section 87. The commissioners court shall furnish and supply the registrar with all necessary books, stationery and blank certificates of registration, and an office in which to perform all the necessary work of registration during the time he is necessarily engaged in the registration of voters as herein provided; but in all city elections the city council shall furnish and supply him.

Section 88. The registrar's books shall contain a list of all registered voters of the city, with the number of the certificate issued written opposite the name of the holder of the certificate, and the number of the ward in which the voter resides, and shall also indicate the color, or nationality of the

holder of the certificate, or such other information as will enable the judges of election to determine the identity of the holder of the certificate, and shall also show the street and number of the residence of the voter, or such other information as will enable his place of residence to be correctly located.

Section 89. The registrar shall make a list of all the registered voters of his city for the use of the managers of the election of each ward of the city, which list shall be a true copy of his books, as is required and provided for in section 12 of this act, which said list shall be made out and filed with the county clerk or city secretary, as the case may be, at least five days prior to the day of election, which said lists shall then be furnished the presiding officer of the election of each ward in the city, as other election papers are furnished, such presiding officers of election.

Section 90. Any person who shall illegally register as a qualified voter of any city, under the provisions of this act, shall be deemed guilty of a felony, and upon conviction in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one year nor for more than two years.

Section 91. The registrar herein provided for is hereby authorized and empowered to administer all necessary oaths to applicants for registration, and also to all witnesses touching the qualifications of applicants for registration, and any person who shall swear falsely about his own qualifications as a voter of the city, or any person who shall as a witness for the applicant for registration swear falsely about the qualifications of such applicant, shall be deemed guilty of false swearing, and upon conviction in any court of competent jurisdiction shall be punished as is provided by law for the punishment of false swearing in other cases.

Section 92. Should the registrar have doubts, or not be satisfied as to the qualification of the applicant for registration, he may, in addition to the oath of the applicant for registration, demand proof of the right of such applicant to register before he shall issue to such applicant a certificate of registration; which proof shall consist of the sworn testimony of two well known citizens of the city, if demanded. Which oath or oaths shall be sworn and subscribed to by the applicant

and by each of his witnesses separately, and the said oaths shall be filed and kept as part of the records of the registrar's office.

Section 93. Each person who shall register under the provisions of this act shall receive a registration certificate, which shall be numbered to correspond with the number of registered certificates issued, and which shall, in addition to the name of the holder, be dated and signed by the registrar; which certificate shall be preserved and presented to the judges of the election, and should the person presenting such certificate not correspond with the description of the person to whom issued, as appears on the registrar's books, then he shall not vote until he shall have satisfied the judge of election of his right to vote.

Section 94. Each certificate of registration, when presented and voted, shall have stamped or written thereon by one of the judges of election the word "Voted." No certificate shall be voted unless it corresponds with the name and number on the list of registered voters herein provided for, and the holder shall correspond with the other information contained on the list of registered voters furnished the managers of the election as herein provided, or that the judges of the election are satisfied that the holder of the certificate is the person to whom it was issued; and when voted one of the judges of the election shall write or stamp opposite the name of the holder of the certificate the word "Voted" on the list. And when a certificate has been voted it shall be considered as exhausted, and shall be placed by one of the judges of the election in a closed box, and when the election is closed, said box and contents shall be sealed up and deposited with the county clerk or city secretary, as the case may be, after having been labeled "Registered Certificates," and said box and contents shall be preserved by said clerk or city secretary as is provided by law for the preservation of the ballots of the election.

Section 95. The list of registered voters shall at the close of the election be placed by the managers of the election in the envelope covering the returns, to be delivered to the county clerk or city secretary as is provided by law, and shall be preserved by such officer in the same manner as is

provided for the preservation of election returns thus made.

Section 96. Any person offering to vote in a city at any election for which registration has been had of all the voters of such city, shall not vote unless he presents a certificate of registration as herein provided, or in case he has lost or mislaid his certificate, he shall so state, and if his name shall appear on the registration list, and he is known to the judges to be the person whose name thus appears on the registration list, or can further satisfactory evidence that he is the person whose name appears on the said list, then he shall be entitled to vote, provided the certificate has not been previously voted, in which case he shall not vote; and provided further, that when any person does vote without presenting his certificate of registration as herein provided, then one of the judges or managers of the election shall stamp or write opposite his name on the registration list the words, "Voted, certificate lost."

Section 97. Every male person who shall have become of the age of twenty-one (21) years by the day of the election, and shall be otherwise a qualified elector, or who shall have become a qualified voter of the city by the day of election, for which the registration is made, and is a bona fide citizen of the city in which he offers to register, shall be entitled to register as a qualified voter of the city; provided he shall establish the same as is herein provided.

Section 98. Any registrar who shall knowingly issue a registration certificate to any person not legally entitled to register under the provisions of this act, or who shall knowingly issue or cause to be issued a certificate of registration to any imaginary or fictitious person, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each and every such registration certificate so issued and may be imprisoned in the county jail for a term of six months for each and every offense or both.

Change section 98 to section 99.

Adopted.

Senator Tyler offered the following:

Amend bill by striking out all provisions for the imprisonment of voters and make the bill conform to this amendment.

Lost.

Senator Pope offered the following:
Amend the bill so as to have the
ections correctly numbered.

Adopted.

Senator Stephens offered the fol-
lowing:

Amend section 75 by adding to the
end of said section the following: Pro-
vided that none of the provisions of
this act shall have any application in
this state except in cities of 10,000 in-
habitants or over.

Lost.

Senator Sims offered the following:

Amend section 11 by striking out
all after the word affirmation in line 4
down to the word "the" in line 8 and
insert in lieu thereof as follows: "I do
solemnly swear (or affirm) that I will
fully and truly answer all such
questions as shall be put to me touch-
ing my place of residence and qualifi-
cations as an elector at this election,
so help me God."

Adopted.

Senator Sims offered the following:

Amend section 12 by adding after
the word "to" in line 1 as follows,
"take and sign the oath (or affirma-
tion) and to."

Adopted.

Senator Garwood moved that the
substitute bill offered by Senator Cle-
mens be adopted in place of this bill.

Lost by the following vote:

YEAS—13.

Glasscock,	Seale,
Garwood,	Searcy,
Harrison,	Stephens,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Weisiger.
McKinney,	

NAYS—16.

Atlee,	Lubbock,
Burney,	Mott,
Clark,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Simkins,
Kimbrough,	Townsend.

Senator Pope moved the previous
question on the engrossment of the
bill, which was ordered.

The ayes and noes being called for,
it was passed to engrossment by the
following vote:

YEAS—17.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Page,
Cranford,	Pope,
Frank,	Simkin
Harrison,	Townsend.
Johnson,	

NAYS—11.

Finch,	Seale,
Glasscock,	Searcy.
Garwood,	Stephens,
Ingram,	Sims,
Kearby,	Tyler.
McKinney,	

Senator Pope moved that the bill as
amended be spread upon the Journal.

Adopted.

Senator Kimbrough moved that the
vote engrossing the bill be reconsid-
ered, and that this motion be spread
upon the Journal.

The hour having arrived to take up
the resolutions embodied in the rel-
port presented this morning by specia-
committee in respect to the memory of
the late Senators E. G. Maetze and L.
A. Abercrombie; after appropriate re-
marks by Senators Townsend, Pope,
Searcy and Lubbock, expressive of the
high character and virtues of the de-
ceased members, upon motion of Sena-
tor Burney the resolutions were unan-
imously adopted by a rising vote.

By consent the following bills were
presented:

By Senator Simkins:

A bill to be entitled an act to organ-
ize the courts of civil appeal to define
their jurisdiction and procedure, and
conform the procedure in other courts
thereto, and provide for appeals and
writs of error from trial courts to said
courts of civil appeals.

Read first time and referred to joint
Judiciary committee of Senate and
House.

By Senator Simkins.

A bill to be entitled "An act to or-
ganize the Supreme Court, and define
its jurisdiction and procedure therein,
and to conform the proceedings in oth-
er courts thereto, and provide for writs
of error and certificates of error from
the courts of Civil Appeal to said Su-
preme Court."

Read first time and referred to Joint

The following pages, p. 283 through p. 294, titled "Memorial Services", are present in the original journal and are not sequential to the journal pages in the original.

In addition, within the "Memorial Services" insert, pages 284 through 288 are not present in the original journal.

Memorial Services.

E. G. Maetze.

L. A. Abercrombie.

Senate Chamber,

Twenty-Second Legislature.

First Called Session.

In Memoriam.

Senator E. G. Maetze.

Born at Glogau, Silesia,

SEPTEMBER 20, 1817.

Died at Bellville, Texas,

OCTOBER 12, 1891.

Aged 74 Years.

In Memoriam.

Senator L. A. Abercrombie.

Born in Macon County, Ala.,

DECEMBER 1, 1832.

Died at Philadelphia, Pa.,

DECEMBER 23, 1891.

Age 59 Years.

Memorial Service.

[Extracts from the Senate Journals.]

FIRST DAY'S SESSION, AUSTIN, MARCH 14.

Senator Clemens offered the following.

Resolved, That a committee of three Senators be appointed to draft resolutions on the death of the late President Pro Tem E. G. Maetze.

Senator Glasscock offered as an amendment:

"That the name of the late Senator L. A. Abercrombie be included in the resolution," which was accepted by Senator Clemens.

Resolution, as amended, was adopted.

Lieutenant Governor Pendleton, President of the Senate, appointed Senators Clemens, Searcy and Pope as a special committee for this purpose.

FIFTEENTH DAY'S SESSION, AUSTIN, MARCH 29.

The following report was received from special committee:

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee appointed to draft resolutions in respect to the memory of the late Senators E. G. Maetze and L. A. Abercrombie, beg leave to present the following:

Resolved, first, That in the deaths of the Honorables E. G. Maetze and L. A. Abercrombie, formerly members of the Texas Senate, the State has lost two of its most estimable and useful citizens, who, both in private and public life, performed the full measure of every duty, and by their conduct firmly established themselves in the confidence of their people.

Resolved, second, That we tender to the respective families of the deceased our sympathy in their bereavement, and the secretary of the Senate is hereby instructed to furnish them each with an engrossed copy of these resolutions.

Resolved, third, That these resolutions be spread upon the Journal of the Senate.

Respectfully,

CLEMENS,

SEARCY,

POPE,

Committee.

On motion of Senator Pope, the hour of 11.30 this morning was named, at which time the Senate will consider the report.

The hour, 11.30, fixed by the Senate to consider the resolutions having arrived, Senator Townsend spoke to the resolution. Senator Townsend said:

Mr. President: It was my good fortune to have been intimately

acquainted with the deceased E. G. Maetze. Long before I knew him personally I knew him well and most favorably by reputation. He was a man in the full sense of that word. Those intimately acquainted with him knew perhaps better than others his sterling worth, great learning and ability. Devoted at all times to his country and his country's good, more especially was he devoted to those great principles of government which lie at the foundation of safe and broad freedom to the individual. He was an open, bold and fearless advocate of personal liberty and a firm and steadfast believer in the doctrine that "that government is best which governs least." The deceased was a native of Germany. Governmental oppression drove him from her borders, and Germany's loss was America's gain. In a fearless and desperate struggle to rescue his native land from the fetters of despotism, unshackle his countrymen and secure to them the blessings of individual liberty he became a member of the revolutionary parliament in 1848. Failure of the cause he espoused necessitated his flight to save his own life. Many of his political associates in that great reform movement joined him in bidding farewell to the home of their childhood. America, whose ever boasted pride is the fact that she has ever stood with open arms to welcome to her shores the worthy and oppressed of every clime, received them. I may well add that by the immigration of that period Texas secured a most valuable citizenship, some of whose names will adorn the pages of Texas history.

The deceased was for many years, and to the date of his death, a citizen of Austin county, Texas, where he was well known and universally loved, esteemed and honored. He was elected without opposition to the State Senate in 1888 from the district composed of the counties of Austin, Washington, Burleson, Fort Bend and Waller. In honoring him the people of his district honored themselves.

His broad-gauged statesmanship, true patriotism and universal conservatism soon won for him the confidence, esteem and admiration of each member of that body. Determined in debate, courteous, generous and unassuming, making it a point at all times never to wound the feelings of those who chanced to differ from him. He was the oldest member of the body, and at the close of the last session he was without solicitation unanimously elected president pro tem of the Senate.

By his death this body has lost one of its ablest and most conservative members; the Democratic party, one of its honored and most zealous exponents; Texas, a statesman and a true and tried patriot, one who in private and public life has ever advocated the great fundamental principles of republican government. Amiable in disposition, a charitable and forgiving nature, an affectionate and loving husband, a kind and devoted father. The great reaper, time, has mown him down. He who doeth all things for the

best has seen proper in His wisdom to remove him from earthly scenes. He is no more, and we bow in grief as we dedicate to him a space both in the records of this body and on the tablets of our memory.

Senator Pope spoke to the resolution as follows:

Mr. President:

I have served a longer term of years in this body, I believe, than any of you. During this service, which has lasted for ten years, I have had occasion to pass through this solemn scene several times. Since I entered the Senate at its eighteenth session, four of my collaborators in this body have passed from earth. They were all my friends. The first who died was Senator Buchanan from Wood. In the very strength of his manhood and usefulness this gifted Senator was called away, lamented by all who knew him, a most serious loss to his country. Following him came Senator Pfeuffer of Comal—of rugged honesty and most estimable traits of character. No Senator did excel him in his ardent devotion to duty. And now come these last two, to whose memory we this day testify our respect and high regard. Mr. President, the grim reaper has been busy with his sickle during the past year, gathering to his harvest the best and truest in the land; Texas has sorely suffered. In my own town the sturdy old warrior of half a score of wars, Walter P. Lane, has been laid to rest. The intrepid soldier, the faithful, pure and impartial judge, J. L. Camp, who, too, had been a Texas Senator, has laid his burden off and gone to his reward. I knew him well, and loved him almost as a father. Again, we have lost Sam A. Wilson, the laborious lawyer, the eminent jurist, with a heart as simple as a child's and as devoted as a woman's; born in Texas, he loved his mother state with full devotion, and gave to her interests the best efforts of his life. These are not all; James H. Bell, the giant lawyer, whose intellect had no superior in the state, has recently followed those I have already named. The last of our state's gifted sons to cross the dark river that I now recall is W. H. Huddle, the gifted artist, whose brush has fixed upon canvass for the admiration of the people of Texas the culminating scene of that battle which was the Marathon of Texas. They have all gone to that unknown land from whose silent realm no mortal has ever yet brought message back to tell us what or where they are.

Mr. President, this but serves to remind us that

"Between two world's life hovers like a star
"Twixt night and morn upon the horizon's verge.
How little do we know that which we are,
How less that which we may be."

I knew Senators Maetze and Abercrombie well. The former belonged to that class of citizens in our state known as the German-American. Shortly after the admission of Texas into the Union, he fled from the political

storms and persecutions of his native land and sought refuge in our great commonwealth. At that time and later on many German colonies were settled throughout different portions of the state, and from them has sprung a people who are of the best and truest in the state. As the Senator from Colorado has said, he was a lover of Liberty; he was a true son of Hermann; he was of a frank, simple and generous mold, honest in all his purposes and tireless in his devotion to Texas. By the side of Senator Abercrombie I sat during one session of the Senate. Though he was my senior in years, it is gratifying to me to say that in everything that goes to make up a friend, I had his esteem and confidence. I never knew a more fearless man in the public service. When he was convinced that he was right upon questions that came before the Senate he never wavered in maintaining his position upon them, and yet his heart was always full of sympathy. He was immovable for the right, and a keener sense of justice I do not believe was ever possessed by mortal man. Some of the Senators upon this floor will remember that in the Twentieth Legislature the impeachment trial of a District Judge was before us for consideration. One of the most eloquent arguments that I ever listened to was delivered by this judge in his own behalf. Though sitting by the side of Senator Abercrombie during its delivery, I had not observed him closely until just at the close of this judge's address. When I looked up into his face I was reminded of Bayard Taylor's description of the British soldier, who, when the whole army was singing Annie Laurie upon the eve of the storming of the Malakoff, in which he said that

"As the song grew louder,

Something upon the soldier's cheek washed off the stains of powder."

The Senator looked me full in the face, and with tears gathering in his eyes, said: "Pope, no man who could make that speech can be a bad or guilty man." Yes, these faithful Senators; whose loss we to-day lament, have ceased their labors; our friends are dead; blessed be their memories; peace to their confined dust in its long night of sleep, and then may their eyes open to the rapturous glories of the eternal morn.

I move the adoption of these resolutions.

Senator Searcy spoke as follows:

Mr. President and Gentlemen of the Senate:

While I concur in the deserved tribute that has just been paid to Judge Abercrombie, being intimately acquainted with the lamented Maetze, it is to that portion of the resolution that speaks of him that I desire to address myself. E. G. Maetze was born in Glowgood, Silesia, on the 12th of September, 1817. At the age of 17 he had passed through the free schools and graduated from the gymnasium of his native place. From there he went to Breslau in accordance with the wish of his parents for the purpose of study-

ing theology. He was so poor that he had to teach during his spare moments in order to get the money necessary to defray his expenses. Before completing his studies he found that the doctrines inculcated were in conflict with his conscience, so he abandoned theology and educated himself for a teacher. His first experience as a teacher was in some of the aristocratic families of Silesia. From there he was called to Bernstatt to take charge of the school of sovereigns. Notwithstanding the fact that he had been an educator of the aristocracy of his country, he was so imbued with the idea of liberty that every measure tending in that direction found in him a warm advocate. In 1848 he was elected to the national revolutionary parliament, and soon became one of the leaders that were striving to make Germany a great and free republic.

This parliament was overthrown and he was forced to flee his native land, leaving his wife and children, and escaped in the guise of a shoemaker. Being forced to leave his native land, he turned his eyes to the new world, and selected Texas as his future home. He settled in Austin county in about 1850, and for more than thirty years followed his profession as a teacher, and no man ever did more to instil into the minds of his pupils the true principles of this government than did E. G. Maetze.

He was slow and careful in forming his opinions, but when once formed he clung to them with a tenacity seldom found in man.

In 1888 he was unanimously nominated for the State Senate by the Democracy of his district and elected without opposition. The manner in which he discharged his duty and the esteem in which he was held by this body was shown by you when you elected him President pro tem. of the Senate.

He was a loving husband, a kind and affectionate father, a true friend and a patriot, and we do ourselves honor when we stop to pay this last tribute to good men.

Senator Lubbock spoke to the resolution as follows:

Mr. President:

Unprepared, I feel that I cannot permit this occasion to pass without paying some tribute to him who once occupied this seat I now do. And would that I had the power to express in appropriate words and feeling language what my heart fails concerning the moral worth of L. A. Abercrombie, now deceased. He was reared almost within the immediate household of him who commanded the noble band of patriots who on San Jacinto's field gave birth to Texan independence. From him he imbibed the love of liberty and true republican principles and learned to love and honor Texas. And I say, from what other source could he have learned better these doctrines than General Sam Houston? He was a man of strict integrity and upright conduct, and one whom Texas delighted to honor for his rectitude of purpose. In his pursuits of life his aim was always to mark out the correct line of duty

and with unswerving advancement he followed it to a conclusion. While Texas knew and realized the purity of his intentions and the correctness of his decisions, he was best loved and appreciated by the people amongst whom he associated and lived, and particularly at the fireside of his happy home. He has gone, but left an impress on the legislation of Texas, both for wisdom and sound judgment, that will last in the recollection of our people so long as mind exercises any control over memory.

On motion of Senator Burney, out of respect to the illustrious dead, the resolutions were unanimously adopted by a rising vote, and the Senate adjourned.

Judicial Committee of Senate and House.

The Chair announced the names of B. S. Pope, Zol. J. Woods, W. F. Sim, R. D. Allen and R. W. Holbrook, as the clerks retained in the service of the Senate.

After announcements of committee meetings by several Senators, on motion of Senator Stephens the Senate adjourned to 9:30 tomorrow morning.

SIXTEENTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Thursday, March 31, 1892. }

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—30.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Simkins,
Harrison,	Stephens,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending reading of the Journal on motion of Senator Carter further reading was dispensed with.

The following reports were presented from committees:

COMMITTEE ROOM,
Austin, March 31, 1891. }
Hon. Geo. C. Pendleton, President of
the Senate:
Sir—Your committee on apportion-

ment and representation to whom was referred Senate Bill No 12, being "A bill to be entitled an Act to amend articles 11 and 12 of title 4 of the revised civil statutes of the State of Texas as amended by an act passed at the special session of the Seventeenth legislature and approved May 3, 1882, and to reapportion the State into Senatorial Districts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the senate committee substitute accompanying this report be adopted and that it do pass.

Cranford, Chairman.

The substitute is as follows:

A bill to be entitled "An act to amend articles 11 and 12, of title 4, of the revised civil statutes of the state of Texas, as amended by an act passed at the special session of the Seventeenth Legislature. Approved May 3, 1882, and re-apportion the state into senatorial districts."

Section 1. Be it enacted by the Legislature of the State of Texas, That articles eleven and twelve of the revised statutes of the State of Texas, as amended by an act passed by the special session of the Seventeenth Legislature, and approved May 3, 1882, shall be so amended as to hereafter read as follows:

Article 11. The senatorial districts of the State of Texas are constituted as follows, each of which shall be entitled to elect one senator, viz.:

Number 1.—The counties of Jefferson, Liberty, Orange, Jasper, Newton, Tyler, Polk, Hardin, San Jacinto and Montgomery.

2. The counties of Sabine, San Augustine, Nacogdoches, Shelby, Rusk and Panola.

3. The counties of Gregg, Smith, Upshur and Harrison.

4. The counties of Cass, Bowie, Marion, Morris and Camp.

5. The counties of Delta, Hopkins, Franklin, Red River and Titus.

6. The counties of Rains, Wood, Van Zandt, Kaufman and Henderson.

7. The counties of Anderson, Cherokee, Houston, Angelina and Trinity.

8. The counties of Leon, Madison, Grimes, Walker and Freestone.

9. The counties of Galveston, Brazoria, Matagorda and Wharton.

10. The counties of Fayette, Lavaca and Colorado.

11. The counties of Austin, Waller, Fort Bend and Harris.